

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed May 13, 2005. Claim 19 was objected to. Claims 1-18 were rejected. The claims, specification, and drawings have been amended to address the concerns raised by the Examiner.

Claims 1-31 were originally presented. Claims 1-19 remain in the application. Claims 20-31 were previously withdrawn. Claims 20-31 have been canceled without prejudice. No claims have been amended. No claims have been added.

The indication of allowable subject matter in claim 19, if rewritten in independent form, is acknowledged with appreciation.

Drawing Objections

The drawings were objected to under 37 C.F.R. § 1.83(a) for not showing every feature of the invention specified in the claims. Specifically, the Examiner requires that the "second diode layer as recited in claim 11" must be shown or canceled from the claims. The specification has been amended to include a paragraph more clearly detailing the correlation between FIG. 4 and claim 11. No new matter has been added. The subject matter of the new paragraph is taken directly from claim 11. FIG. 4 now shows every feature in claim 11. Therefore, Applicant respectfully submits that the drawings are allowable, and urges the Examiner to withdraw the rejection.

Claim Rejections - 35 U.S.C. § 102

Claims 1-18 (including independent claims 1 and 11) were rejected under 35 U.S.C. § 102(e) as being anticipated by Chaiken (US 2004/0218499).

Applicants Gary R. Ashton and Robert J. Davidson note that according to the provisions set forth in the Manual of Patent Examining Procedure § 706.02(f), that the effective date for Chaiken as a prior art reference under 35 U.S.C. § 102(e) is May 1, 2003. Applicants submit that the present invention was conceived prior to May 1, 2003. Declarations from the Applicants to this effect under 37 C.F.R. § 1.131 setting forth the facts concerning conception are appended

hereto as Exhibit 1. Further, a redacted copy of the invention disclosure is appended herewith as Exhibit 2, showing conception of the present invention prior to the date of the asserted reference.

It should be noted that the invention disclosure of Exhibit 2 contains the names of three inventors. It was determined after the invention disclosure was submitted to Hewlett Packard that Curtis Gonzales was not an inventor of the claimed subject matter. Therefore, he is not listed as an inventor on the application and there is no declaration included for Curtis Gonzales.

Exhibit 3, attached herewith, shows a redacted copy of a Request for Quote from Hewlett Packard to Thorpe North and Western, submitted prior to May 1, 2003, for preparation of the above captioned application. A declaration from Vaughn North, a registered patent attorney at Thorpe North and Western, setting forth the facts relevant to his diligence in preparation of the above-captioned application is appended hereto as Exhibit 4. Thus, Exhibits 1-4 show that the embodiments of the present invention were conceived prior to the date of the asserted reference, and that the attorney was reasonably diligent in preparing and filing the patent application.

Consequently, Applicants respectfully submit that the asserted Chaiken reference does not qualify as prior art under 35 U.S.C. § 102(e), and respectfully requests that the rejection be withdrawn. Therefore, Applicant respectfully submits that claims 1-18 are allowable, and urges the Examiner to withdraw the rejection.

CONCLUSION


In light of the above, Applicant respectfully submits that pending claims 1-19 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Vaughn North at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

No claims were added. Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 08-2025.

DATED this 15th day of August, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vaughn North", written over a horizontal line.

Vaughn North

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